HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 10537 of 2001

Dated: 04-07-2007

Between:

Sk.Kamal Pasha

..... PETIT

AND

The Government of Andhra Pradesh
Rep., by its Secretary,
Department of School Education,
Hyderabad and 2 others.

.....RESPONI

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 10537 of 2001

O R D E R:

This writ petition is filed for a writ of Mandamus to declare the action of the respondents in seeking to convert the childrens' playground of Zilla Parishad Boys High School, Kodada into a Rythu Bazaar as illegal, arbitrary and unconstitutional and for a consequential direction to the respondents to locate the Rythu Bazar in any other suitable site.

The petitioner is Chairman of the Vidya Committee of Zilla Parishad Boys High School, Kodada. The said committee was constituted under the Andhra Pradesh Education (Community Participation) Act, 1996. The material available on record discloses that the District Collector, Nalgonda (second respondent) vide his Letter No.E2/5275/2000 dated 29-04-2000 directed that the land in question shall be handed over to the Mandal Revenue Officer, Kodada for the purpose of establishing a Rythu Bazaar. The petitioner and others made representation on 19-03-2001 to the Chief Minister with copies marked to the respondents 2 and 3 and others, wherein they requested to review the decision to hand over the site for establishing of Rythu Bazaar. This was followed by another representation dated 12-05-2001. As no response was forthcoming from the respondents or any other functionary, the petitioner filed the present writ petition.

In the affidavit filed in support of the writ petition, it is averred that location of vegetable market causes grave harm to the interest of the students of the Zilla Parishad Boys High School, Kodada and that there are alternative sites available in the town which could be conveniently used for running of a Rythu Bazaar.

Heard Sri V.Brahmaiah Chowdary, learned counsel for the petitioner. None appeared for the respondents and no counter affidavit has been filed.

Sri V.Brahmaiah Chowdary argued that the site which is sought to be handed over for the purpose of establishment of a vegetable market (Rythu Bazaar) is being utilized as a play ground for the students of the Zilla Parishad High School, Kodada and that the very proposal to hand over part of the play

ground is wholly

ill-conceived. He submitted that by such an action, the respondents would deny the students of utility of a playground, which is very much essential for maintaining the fitness and development of the students, who are at the growing age.

I find force in the contention of the learned counsel for the petitioner.

The playground, it is trite to say, is an essential amenity for any educational institution. For development of the personality of the students of a school, it is very much necessary that they are provided with the facility of playing the sports and games. It not only facilitates improvement of physical health of the students, but also the development of students' personality in many respects. There is nothing on record to show that before deciding to handover a valuable vacant space earmarked for a playground, the respondents have bestowed any attention and thought to the consequences, which would flow out of the deprival of a part of a playground to the school children.

In my considered opinion, the decision to deny the school of a part of playground area is absolutely misconceived. The respondents failed to show that there is no alternative site available for establishing a vegetable market and in any event, for the purpose of establishment of such a market the students of a High School cannot be deprived of the playground.

For the aforementioned reasons, the writ petition is allowed. There shall be a direction to the respondents not to convert any part of the playground of Zilla parishad Boys High School, Kodada for any other purpose. If the respondents have already taken possession of a part of the playground, they shall hand it over back to the Management of the School after removing the structures, if any, raised thereon within a period of four weeks from today. No costs.

C.V.NAGARJUNA REDDY,J

Date: 04-07-2007

KLP